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ABSTRACT

Chapter 241 of the Laws of 1974 provides for aid to elementary and secondary education for 1974-75. This legislation contains departures from previous aid legislation. New criteria are introduced for calculating the "total aidable pupil units" which a district can claim. The new criteria are considerec to reflect an effort to provide additional funds to school districts more equitably on the basis of specific pupil educational needs. Districts which receive aid for pupils with special education needs, with handicapping conditions, with severely handicapping conditions or in occupational education programs are required to prepare plans anc submit annual reports to the State Education Department. The materials included in this document have been developed to assist district officials to understand and to carry out these new responsibilities, as follows: (1) general background information on Chapter 241; (2) specific planning, evaluation, and reporting instructions; (3) definitions which will enable district officials to identify pupils with special education needs and pupils with handicapping conditions, and definitions which will be applicable to occupational education: and, (4) the names and phone numbers of State Education Department officials to call for answers to questions about any facet of the special weighting provision. (Author/JM)

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PLAN AND ANNUAL REPORT REQUIREMENTS FOR COMPLIANCE WITH THE ADDITIONAL APPORTIONMENT PROVISIONS OF CHAPTER 241 OF THE LAWS OF 1974

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TABLE OF CONTENTS

Foreword i

Part I - INTRODUCTION

- Basic Provisions of Chapter 241 of the Laws of 1974 2
- Directory of State Department Offices to call for Further Information 9

Part II - COMMISSIONER'S REGULATIONS

- Pupils with Special Educational Needs 11
- Special Services Aid, Severely Handicapped Pupils 14
- Pupils with Handicapping Conditions 15
- Special Services Aid, Pupils in Occupational Education Programs 16
- Summer School Programs 18
- Evening School Programs 20

Part III - PLAN AND ANNUAL REPORT DOCUMENTATION

- Worksheet 241 - 1P (to be used when completing required plan format) 22
- Form 241 - 1P Plan of Activities for Pupils with Handicapping Conditions or Special Educational Needs 25
- Worksheet 241 - 2P (to be used when completing Chapter 241 Planning Report) 29
- Form 241 - 2P Chapter 241 Planning Report 31
- Annual Reporting Information 33

FOREWORD

Chapter 241 of the Laws of 1974 provides for aid to elementary and secondary education for 1974-75. This legislation contains departures from previous aid legislation which will have significant impact on activities of local school districts and units of the State Education Department. Among the most notable departures included is that which provides for additional weighted aid for pupils with special needs or in specialized programs. The pupils and programs which will receive the additional aid are as follows: pupils with special education needs, pupils with handicapping conditions, pupils with severely handicapping conditions, pupils in occupational education programs, summer school, and evening school.

Districts which receive aid for pupils: with special education needs, with handicapping conditions, with severely handicapping conditions or in occupational education programs are required to prepare plans and submit annual reports to the State Education Department.

The materials included in the packet have been developed to assist district officials to understand and to carry out the new responsibilities thrust upon them by the legislation. The following are included:

1. general background information on Chapter 241;

2. specific planning, evaluation and reporting instructions;

3. definitions which will enable district officials to identify pupils with special education needs and pupils with handicapping conditions, and definitions which will be applicable to occupational education; and

4. the names and phone numbers of State Education Department officials to call for answers to questions about any facet of the special weighting provision.

Three complete sets of materials are enclosed. One set should be retained in a central file, and the other two distributed to appropriate program officers: special educational needs and handicapping conditions. These officials, in turn, should reproduce the materials in sufficient quantity to provide all involved with information needed to proceed with the plan and annual report requirements.

Other materials forthcoming from the Department will encompass the following matters:

1. worksheets to compute a precise number of additional aidable pupils for state aid purposes; and

2. directions about how districts must account for funds obtained through the special weighting provisions of the law.

PART I

INTRODUCTION

Chapter 241 of the Laws of 1974 includes amendments to the Education Law of New York State (Section 3602) which introduce new criteria for calculating the "total aidable pupil units" which a district can claim. The new criteria reflect an effort to provide additional funds to school districts more equitably on the basis of specific pupil educational needs.

The discussion that follows has two purposes: first, to review the major provisions of Chapter 241, and second, to familiarize districts with the packet of forms and worksheets which they must use in filing for the additional aid they will be eligible to receive under the provisions of Chapter 241. The review here of Chapter 241 is presented in the form of responses to some basic questions of concern to districts. In anticipation of the likelihood that some districts will have other questions, a list of the offices of Department personnel who are familiar with the materials herein is on page 9.

Question 1. What pupils will generate an "additional apportionment"?

Some provisions apply to all school districts, and other provisions apply only to the "large city school districts" of New York, Buffalo, Rochester, Syracuse and Yonkers (i.e., the "Big 5"). In every case, the categories of pupils named in Chapter 241 have been defined by the Commissioner of Education, as the law prescribes, and these definitions are incorporated into the Regulations of the Commissioner of Education. Part II of this document, pages 10 through 20, reproduces the definitions and related requirements covering the additional apportionment provisions of Chapter 241 as they appear in the Regulations of the Commissioner of Education.

The "Big 5" are entitled to "special services aid" for "severely handicapped pupils" and for "pupils in grades ten through twelve in attendance in occupational education programs as such programs are defined by the Commissioner." The law stipulates that "severely handicapped pupils shall be limited to those pupils who are trainable mentally retarded, severely crippled and health impaired, severely hearing impaired, severely emotionally disturbed or multiply handicapped as such terms are defined by the Commissioner."

All school districts are entitled to claim "additional aidable pupil units" for the following pupils: "pupils with handicapping conditions," "pupils with special educational needs," "summer session pupils," and "evening school pupils." The "Big 5" are entitled to aid for "pupils with handicapping conditions" who have not qualified as "severely handicapped pupils."

"Pupils with handicapping conditions" according to Chapter 241 means "pupils who are trainable mentally retarded, educable mentally retarded, visually impaired, hearing impaired, physcially handicapped, severely speech impaired, or emotionally disturbed, as such terms are defined by the Commissioner."

The definition of "pupils with special educational needs," as incorporated in the Regulations of the Commissioner of Education, is as follows:

> Pupils with special educational needs shall mean pupils who have scored on their most recent acceptable test two grade levels or more below the norm for the grade level in which such pupils are enrolled in reading or mathematics, or, with respect to pupils in grades two and below, whose most recent acceptable readiness or other test scores predict a serious deficiency in reading or mathematics by the time such pupils have entered grade three, provided that such term shall also mean a locally developed definition of such pupils which has been approved by the Commissioner.

"Evening school pupils," according to the law, means

> pupils who have not obtained a high school diploma or high school equivalency diploma who are in attendance during the evening hours in a program approved by the Commissioner leading to such a diploma or equivalency diploma, and who attend such programs during sessions which are at least the equivalent in length of a half day session as such period is defined by the Commissioner.

"Summer session pupils," according to the law, means

> those pupils attending approved programs of instruction operated by the district during the months of July and August of the base year in accordance with the regulations promulgated by the Commissioner.

There is one other "additional apportionment" provision in Chapter 241. All school districts are entitled, for the 1974-75 school year only, to count those pupils in grades seven through twelve as 1.25 aidable units (instead of 1.0 aidable units) who have not been counted for handicapped, occupational education or special educational needs purposes. The intent of the law is clear on two points -- first, a pupil cannot be counted for more than one additional aid purpose during a single time period; second, a pupil must be counted for handicapped or occupational education or special educational needs purposes if he qualifies and is thereby entitled to additional services.

Question 2. How much aid should a district anticipate for each additional aid area in 1974-75?

The specifics for calculating State Aid for 1974-75 are detailed in material, separate from this packet, which is to be provided by the Division of Educational Finance. Several general comments are possible, however. All aid will be granted in 1974-75 based on 1973-74 attendance

figures,* with the exception of the aid for the handicapped. Additional aid to support services to the eligible handicapped pupils will be based initially on 1974-75 estimates, but these figures will be adjusted later, as necessary, for actual attendance.

The special services aid to the "Big 5" is similar to the BOCES aid which other school districts have been receiving for some time. This is formula aid that is calculated by: 1) multiplying actual valuation by 15 mills; 2) dividing this product by resident weighted average daily attendance; and 3) subtracting this result from a ceiling figure ($1200 for occupational education and $3000 for pupils with handicapping conditions). This number is then multiplied by the number of eligible pupils to calculate aid.

The total aidable pupil units of each district will include the results of the following calculations to account for the additional apportionments: 1.0 for each pupil with a handicapping condition(s); .25 for each pupil with special educational needs; and .50 for each pupil in attendance at an approved evening school program. Additional apportionments for summer school will be calculated by using a .12 weighting in connection with each approved program.

A special procedure is prescribed in Chapter 241 for calculating for weighting purposes the number of "pupils with special educational needs." The number of aidable units is to be determined by deriving a percentage, and then multiplying this percentage by the district's base year total aidable pupil units (adjusted downward in the case of the "Big 5" to eliminate the special services aid units). The percentage is determined by adding the total number of pupils who scored below level four on the sixth grade New York State reading test to the total number of pupils who scored below level four on the sixth grade New York State mathematics test in 1971-72 and 1972-73, and dividing this total by the total number of sixth graders taking these tests in these two years. The purpose of this procedure is to give the districts a stable base upon which to estimate the aid for "pupils with special educational needs" for several years to come.

Summer school aid for 1974-75 will be based on attendance at approved sessions in July and August 1973.

The total amount of state aid to which a district is entitled under Chapter 241 is subject to certain other considerations. There is provision for a "growth index," budget aid, and high tax rate aid, as well as minimum and maximum apportionments. These factors are fully explained in the Division of Educational Finance materials referred to above.

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* Pupils who attended approved summer school programs during 1973 and whose parents paid tuition for those programs may not be included in base year attendance figures for calculating 1974-75 state aid.

Question 3. When will the "additional apportionment" monies be paid?

All of the "additional apportionment" entitlements discussed above will be incorporated into the "total aidable pupil units" eligible for funding in the 1974-75 school year through regular State Aid. These monies will be available, in other words, as part of the regular State Aid payment schedule, in which 3 payments, each 1/12 of the total, are made in September, October and November and 3 payments, each 1/4 of the total, are made in April, May and June.

Question 4. Are there any restrictions on how these "additional apportionment" monies can be spent?

The purpose of the additional apportionment is to provide increased levels of service to eligible pupils or to provide assistance to those districts which have been providing such additional services. Districts are therefore expected to spend the "additional apportionments" for services for the types of pupils who generate the apportionments. The law stipulates that

> A district which spends any part of its total annual apportionment attributable to such pupils in an unauthorized manner in the base year shall have its current year apportionment reduced by the amount of such unauthorized expenditures in the base year.

The law makes only one exception to this provision -- there shall be no reductions of apportionments in the 1974-75 school year in connection with programs for pupils with special educational needs.

Where the total apportionment for the 1974-75 school year is subject to the maximum limitation on total state aid as provided in Chapter 241, the same ratio that aid actually received bears to total computed aid should be used in establishing appropriations for eligible pupils. For example, if total computed formula aid is $500,000, but maximum state aid to be received is limited to $400,000 and the total computed state aid for education of handicapped pupils is $20,000, the amount of appropriation for pupils with handicapping conditions would be $16,000, computed as follows:

$$\frac{\$400,000}{\$500,000} = .80 \times \$20,000 = \$16,000$$

The basis for authorizing expenditures varies from one aid area to another, although all expenditures are of course subject to the controls established in the Regulations of the Commissioner of Education, especially "Subchapter L Finance." All numbers claimed for aid, for example, are subject to review by field audit.

Chapter 241 specifies that the use of the handicapped, special educational needs, and occupational education aid shall be "in a manner determined by the Commissioner to be the most educationally advantageous for such pupils." One general expectation, therefore, is that pupils

eligible for additional apportionment services will be "mainstreamed," and not segregated.

In the case of services for "pupils with handicapping conditions" and "severely handicapped pupils," approval of each district plan of activities will have to be secured. Districts are urged to review carefully the Regulations of the Commissioner of Education and other guidelines issued by program units to insure that all programs meet requirements for the additional apportionment.

The primary requirement for the expenditure of the apportionment for "pupils with special educational needs" is that the services reflect the three program priorities previously approved by the Regents, namely: reading, mathematics, use of bilingual methodology for reading and mathematics instruction as appropriate.

Services for pupils attending summer sessions and evening schools have been subject to regulations of the Department, and these controls continue except as modified by the changes to Commissioner's Regulations included in this packet. (The additional apportionment for evening school programs must be segregated from categorical funds some districts are currently receiving to support high school equivalency degree programs. Pupils cannot be aided under both programs.)

Question 5. Is any special financial accounting required for these "additional apportionment" monies?

Chapter 241 does include a requirement that provisions be made to account for the additional apportionments, particularly the additional apportionments for pupils with special educational needs, pupils with handicapping conditions and pupils in approved occupational education programs. The specific accounting provisions required have been developed by the Division of Education Management Services and are not included in these guidelines. They will be forwarded to all local school districts under separate cover.

Question 6. Is any special program accounting required for the services purchased with these "additional apportionments"?

School districts receiving "additional apportionments" for the pupils who have "special educational needs" or "handicapping conditions," or are "severely handicapped" or "in occupational education programs" are also required by Chapter 241 to account for these additional funds in the following ways:

(1) prepare prior to September 1, 1974, and every third year thereafter "an acceptable plan describing the expected use of such apportionment and the expected impact of the proposed plan;" (Use Form 241 - 1P, Page 25.)

(2) prepare by September 1, 1974, a report on the planning for

pupils with special educational needs and for pupils with handicapping conditions (Use Form 241 - 2P, Page 31); and

(3) prepare an annual report that at least identifies the numbers of such pupils, and describes the expenditure of the preceding year's apportionment for such pupils along with an evaluation of the results obtained from such expenditures.

Separate plans must be prepared for the areas of pupils with handicaps, pupils with special educational needs, and pupils in occupational education,* and the initial plans should cover the 1974-75 school year. Pupils with special educational needs are to be identified on a building basis and district plans are to describe the service those pupils are receiving. This means that any single plan can encompass activities projected either for one building or for two or more buildings.

These plans are to be in document form, using the forms provided and described on pages 22 through 28 , but districts which wish to do so are encouraged to develop plans containing more detail than the required format prescribes. All of these plans are to be retained in the district, available for inspection by authorized Department personnel.

The Chapter 241 Planning Report, the form for which is provided on pages 29 through 32 herein, is designed to reflect the districts' experiences in preparing the mandated plans. This report should be forwarded to the designated Education Department office by September 1, 1974 so that department planning can proceed on a timely basis.

The annual report required from districts which receive additional apportionments for pupils with handicapping conditions and for pupils with special educational needs will be divided into two sections. Section I will be due October 15th and Section II will be due by the succeeding October 1st.

Summary of District Responsibilities

The responsibilities which Chapter 241 places on local school districts receiving additional aid apportionments for handicapped and special educational needs pupils are summarized on the following Worksheet. This Worksheet can be used in the districts to chart progress toward full compliance with the provisions of the law.

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* Specifications and directions for fulfilling Chapter 241 planning and annual reporting requirements for programs for pupils in Occupational Education in the "Big 5" will be incorporated with material regularly communicated to the "Big 5" for presently required occupational education planning and reporting purposes.

WORKSHEET: DISTRICT RESPONSIBILITIES IN 1974-75
REGARDING HANDICAPPED AND SPECIAL EDUCATIONAL NEED PUPILS

Action	Person(s) Responsible	Planned Completion Date	Actual Completion Date
1. Assign responsibility to a Person in the district central office for assuring compliance and coordination in fulfilling obligations pertaining to the aid.			
2. Identify pupils eligible for aid in accordance with definitions and instructions provided by SED. Forms provided by the Division of Finance.			
3. Notify appropriate program personnel of the fiscal resources to be available to provide services.			
4. Review SED program and planning Guidelines.			
5. Identify specific pupils for whom services will be developed.			
6. Develop preliminary Plans for the delivery of services.			
7. Establish an appropriate system for accounting for additional apportionments. (Directions from the Division of Education Management Services)			
8. Review preliminary Plans.			
9. Plan jointly with the local BOCES for any changes which involve BOCES service.			
10. Prepare and submit the Request-for-Aid Form (SA-129) to SED following district clearance (and in the case of Handicapped Pupils, clearance by the local Committee on the Handicapped). Forms provided by the Division of Finance.			
11. Prepare the 1974-75 District Plans and include them in a file on aid-related activities which will be readily accessible for SED field reviews.		9/1/74	
12. Submit Chapter 241 Planning Report to State Education Department.		9/1/74	
13. Prepare the Annual Report, Section I. (Pupils with handicapping conditions and pupils with special educational needs)		10/15/74	
14. Anticipate assistance and/or field audits from SED.		10/15/74	
15. Prepare the Annual Report, Section II. (Pupils with handicapping conditions and pupils with special educational needs)		7/15/75	
16. Draft preliminary Plans for 1975-76 taking into account findings from the Annual Report.		8/1/75	

DIRECTORY

State Education Department offices to contact for further information.

For Information About:	Call	Phone Number (All Area Code 518)
1. Programs for Pupils with Handicapping Conditions	Division for Handicapped Children	474 - 6939
2. Programs for Pupils with Special Educational Needs	Division of Urban Education	474 - 1321
3. Planning Documentation	Office of Program Planning	474 - 2380
4. Evaluation and Annual Reports	Division of Evaluation	474 - 5076
5. State Aid Calculations and Payments	Division of Educational Finance	474 - 2978
6. Accounting for Additional Apportionments	Division of Educational Management Services	474 - 3911
7. Summer School Programs	Division of School Supervision	474 - 5898
8. Occupational Educational Programs	Division of Occupational Education Supervision	474 - 4806
9. Evening School Programs	Division of Continuing Education	474 - 5808
	Division of School Supervision	474 - 5898

PART II

COMMISSIONER'S REGULATIONS

AMENDMENT TO REGULATIONS OF THE COMMISSIONER OF EDUCATION
Pursuant to Sections 207 and 3602 of the Education Law

Part 149 of the Regulations of the Commissioner of Education is repealed and a new Part 149 is added, effective July 23, 1974, to read as follows:

PART 149

INSTRUCTIONAL PROGRAMS FOR PUPILS WITH SPECIAL EDUCATIONAL NEEDS

Section 149.1 Scope of Part. The purpose of this Part is to establish educational and fiscal standards for the most educationally advantageous use of additional State aid apportioned to school districts for locally administered programs for pupils with special educational needs, pursuant to the provisions of section 3602 of the Education Law.

149.2 Definitions. For the purpose of this Part: (a) acceptable, deficiency, efficient, reasonable, and significant, shall mean acceptable, deficiency, efficient, reasonable, and significant in the judgment of the Commissioner.

(b) Pupils with special educational needs shall mean pupils who have scored on their most recent acceptable test two grade levels or more below the norm for the grade level in which such pupils are enrolled in reading or mathematics, or, with respect to pupils in grades two and below, whose most recent acceptable readiness or other test scores predict a serious deficiency in reading or mathematics by the time such pupils have entered grade three, provided that such term shall also mean a locally developed definition of such pupils which has been approved by the Commissioner.

(c) Educationally advantageous program shall mean an instructional program which has been designed to include the following:

(1) specific pupil learning objectives to provide significant improvement of pupil educational deficiencies;

(2) activities and services which are clearly designed to achieve pupil learning objectives in an efficient manner;

(3) expenditures which are directly related to such activities and services.

149.3 Expenditures. (a) Each school district shall spend the apportionment of State aid which is attributable to its pupils with special educational needs for educationally advantageous programs for such pupils, in addition to the regular program of instruction of such district, in accordance with the provisions of this Part.

(b) Nothing in this Part shall be construed to prevent the use of funds obtained from other sources in the planning, implementation, or evaluation of locally administered educational programs for pupils with special educational needs, which may include the expansion of existing programs which are consistent with the purpose of this Part. If Federally or privately funded programs in a school district require matching with local funds, such district may claim the amount of State aid which is attributable to pupils with special educational needs as local funds, provided that such programs are operated in accordance with the provisions of this Part.

149.4 District plan. Each school district which receives an additional apportionment of State aid for pupils with special educational needs shall prepare and submit to the Commissioner acceptable plans describing the use of such apportionment, prior to September 1, 1974, and on September 1 every third year thereafter. Each district plan shall be in a form prescribed by the Commissioner, and shall include, but need not be limited to, the following:

(a) number and grade span of pupils served by planned activities;

(b) priority needs, and the method by which such needs were identified;

(c) program objectives;

(d) descriptions of program activities;

(e) the method to evaluate the extent to which the objectives of the program have been achieved; which shall include a pre and post assessment of the academic achievement of the pupils served by the program;

(f) the budget for the expenditure of such apportionment;

(g) the date on which such plan was adopted by the board of education.

149.5 Annual report. On or before October 1 immediately following the close of the school year on June 30, each school district shall submit to the Commissioner complete annual reports in a form prescribed by the Commissioner which shall include, but not be limited to the following:

(a) a description of the expenditure of the preceding year's apportionment of aid for eligible pupils;

(b) the number of pupils with special educational needs served in the programs and how they were identified as pupils having such needs;

(c) an evaluation of the results obtained from the operation of such programs.

149.6 Supervision and evaluation by the Commissioner. (a) All programs for which the additional apportionment is spent pursuant to the provisions of this Part shall be subject to the general supervision of the Commissioner, who shall have the right to inspect the facilities and operation of such programs and audit the records thereof at any time.

(b) Appropriate records as required by the Commissioner shall be kept of the operation of each program in order to permit an evaluation of such program. Each school district shall be required to submit such reports whenever required by the Commissioner.

AMENDMENT TO REGULATIONS OF THE COMMISSIONER OF EDUCATION
Pursuant to Section 207 and 3602 of the Education Law

A new Section 200.6 of the Regulations of the Commissioner of Education is added, effective July 23, 1974 to read as follows:

200.6 State aid to school districts for the education of pupils with handicaps

(a) For the purposes of apportionment of special services aid under Section 3602 of the Education Law, the definitions of severely handicapped pupils shall be:

(1) Severely crippled and health impaired - a child who must function in a physical environment specially designed; or needs medication intervention and/or maintenance; or who requires individual or small group instruction at a pupil/teacher ratio not to exceed 10 to 1.

(2) Severely handicapped (deaf) - a child with a hearing handicap in excess of 80 decibels (ISO) in the better ear whose degree and type of hearing loss is so severe that spoken language cannot be acquired normally and whose receptive and expressive communication skills are so limited that additional supportive services are provided. This child would be in need of a highly specialized program with teacher/pupil ratio not to exceed 10 to 1 and with specially certificated teachers of the deaf along with additional support services.

(3) Severely emotionally disturbed - a child whose emotionally disturbance is so severe that the child is unable to relate to other children and may have an absence of speech, and who requires individual or small group instruction at a pupil/teacher ratio not to exceed 8 to 1, and in addition needs the support of clinical services. A severely emotionally disturbed child is one whose condition has been determined to be such by a school psychologist or an approved mental health clinic or a psychiatrist.

(4) Multiply handicapped - a child who, because of the multiplicity of his handicapping conditions, requires intervention by more than one certified specialist in the area of education of the handicapped. For purposes of this section, visually impaired children shall be included, but those children whose second handicap is solely in the area of speech shall not be included.

(5) Trainable mentally retarded - a child who, on the basis of a comprehensive evaluation (such evaluation to include an individual psychological examination) is determined to possess general intellectual capacity that falls lower than 3 standard deviations below the mean of the general population, cannot profit from programs established for the educable mentally retarded, but may be expected to profit from special programs for the trainable.

(b) For the purposes of apportionment of weighted aid under Section 3602 of the Education Law, the definitions of pupils with handicapping condtions shall be:

(1) Trainable mentally retarded - a child who, on the basis of a comprehensive evaluation (such evaluation to include an individual psychological examination) is determined to possess general intellectual capacity that falls lower than 3 standard deviations below the mean of the general population, cannot profit from programs established for the educable mentally retarded, but may be expected to profit from a special education program for the trainable.

(2) Educable mentally retarded - a child who, on the basis of a comprehensive evaluation (such evaluation to include an individual psychological examination) is determined to possess general intellectual capacity that falls lower than 1.5 standard deviations below the mean of the general population, cannot profit from regular classroom instruction but may be expected to profit from a special education program for the educable.

(3) Severely speech impaired - a child with unintelligible speech or inability to communicate verbally who is provided daily instruction in regular or special classes by a certified teacher of the speech and hearing handicapped.

(4) Hearing impaired - a child with a hearing handicap in the 40 and above decibel range (ISO) whose hearing loss precludes his functioning normally in a regular classroom situation without the supportive services of an itinerant teacher or a resource room program.

(5) Visually impaired - a legally blind child with the visual capacity of 20/200 or less in the better eye with the best correction, or a field of vision restricted to a 20° arc.

Partially sighted - a child whose visual acuity in the better eye with best correction ranges between 20/70 and 20/200, including those children who can still function capably with their residual vision and who have a medically indicated progressive visual loss, or a recurring serious medical eye problem affecting acuity and operable eye diseases.

(6) Emotionally disturbed - a child whose condition has been determined to be such by a school psychologist or an approved mental health clinic or a psychiatrist.

(7) Physically handicapped - a child who manifests a condition which incapacitates the child and includes orthopedic, neurological, and other medical conditions which result in inability to benefit from the regular educational programs for non-handicapped children, i.e., without some form(s) of special assistance.

INSERT

The following PROPOSED amendment to the Regulations of the Commissioner (pages 15a and 15b here) will be submitted for approval at the Board of Regents Meeting of July 31-August 2, 1974. This PROPOSED amendment is designed to complete Section 200.6 as it appears on Pages 14-15 herein.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION
Pursuant to Sections 207 and 3602 of the Education Law

Section 200.6 of the Regulations of the Commissioner of Education is amended by the addition of new subdivisions (c), (d), and (e), effective August 26, 1974 to read as follows:

(c) Each school district which receives an apportionment for severely handicapped pupils and/or for pupils with handicapping conditions shall use such apportionment for educationally advantageous programs. An educationally advantageous program shall mean an instructional program having the following characteristics:

(1) activities and services which are in accordance with the provisions of subdivisions (a) and (b) of this section and section 200.3 of these Regulations, and which are clearly designed to achieve in an efficient manner pupil learning objectives which are consistent with the handicapping conditions of the pupils served;

(2) expenditures which are directly related to such activities and services.

(d) Each school district which receives special services aid for severely handicapped pupils and/or an additional apportionment of weighted aid for pupils with handicapping conditions shall prepare and submit to the Commissioner acceptable plans describing the use of such apportionment, prior to September 1, 1974, and on September 1 every third year thereafter. Each district plan shall be in a form prescribed by the Commissioner, and shall include, but need not be limited to, the following:

(1) identification of the number and grade span of pupils to be served by type of handicapping condition;

(2) the method to be used to evaluate the extent to which the objectives of the program have been achieved;

(3) the budget for the expenditure of such apportionment;

(4) the date on which such plan was adopted by the board of education.

(e) Each school district which receives special services aid for severely handicapped pupils and/or an additional apportionment of weighted aid for pupils with handicapping conditions shall prepare and submit, on or before October 1 immediately following the close of the school year on June 30, complete annual reports in a form prescribed by the Commissioner which shall include, but not be limited to the following:

(1) a description of the expenditure of the preceding year's apportionment of aid for eligible pupils;

(2) the number of pupils served in the programs and how they were identified as pupils having such needs;

(3) an evaluation of the results obtained from the operation of such programs.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Sections 207 and 3602 of the Education Law

The Regulations of the Commissioner of Education are amended, effective July 23, 1974, by the addition of new Sections 141.2 and 141.3 and the renumbering of present Sections 141.2 - 141.8 to be Sections 141.4 - 141.10 respectively, and the amendment of the renumbered Section 141.7 to read as follows:

141.2 Definition. (a) An occupational education program is one conducted in approved secondary schools or classes, including cooperative agreements with employers for part-time work and study, which prepares individuals for gainful employment after leaving school as semi-skilled or skilled workers, or technicians, or subprofessionals in recognized occupations or new or emerging occupations. Such programs also include preparation for further occupational education of an advanced technical nature at the post-secondary level.

(b) For the purpose of the apportionment of State aid pursuant to subdivision 17 of section 3602 of the Education Law, occupational education programs shall include instructional programs in the subject areas of trade and industrial, technical, agriculture and health.

141.3 Planning requirements. Each school district receiving an apportionment of State aid attributable to pupils in occupational education programs shall prepare a plan describing the proposed programs and activities the district intends to carry out during the year for which the apportionment is made. Such plans shall be developed as part of a long range and annual plan submitted to the Commissioner for the purpose of qualifying for an allocation of Federal vocational education funds. The format and information required in such plans shall be specified from time to time by the Commissioner. The plan shall include, as a minimum, descriptions of the population to be served, specific description of activities to be carried out and the location of such activities, the estimated enrollment of students in each activity, the proposed amount of funds to be expended for each activity and a statement of expected results. District plans for occupational education programs shall be submitted to the Commissioner prior to the beginning of the school year in which the funds are to be expended but in no event later than September 1.

/141.2/ 141.4....

/141.3/ 141.5....

/141.4/ 141.6....

/141.5/ 141.7 Reports (a) Boards of Education conducting approved occupational education programs shall submit to the /c/ Commissioner such descriptive, statistical and financial reports as he may require at specified times.

(b) Each school district receiving an apportionment of State aid as provided by Section 3602, Subdivision 17 for pupils in occupational education programs shall submit to the Commissioner an annual report at a time specified by the Commissioner. Such annual report shall include information prescribed by the Commissioner and include as a minimum, the number of pupils enrolled in occupational education programs, with specific designation by program areas identified in the restricted definition; a statement describing the expenditure of funds for each activity included in the district plan for occupational education; and an evaluation report of the results obtained for each activity and expenditure.

/141.6/ 141.8....

/141.7/ 141.9....

/141.8/ 141.10....

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION
Pursuant to Sections 207 and 3602 of the Education Law

Part 110 of the Regulations of the Commissioner of Education is repealed and a new Part 110 is added, effective July 1, 1974, to read as follows:

PART 110

SUMMER SCHOOL

Section 110.1 Requirements for approval of a summer elementary school. To be approved, a summer elementary school must fulfill the following conditions:

(a) comprise the summer session of a public elementary school and use the building(s) and equipment of such school or other suitable facility as approved by the Commissioner of Education;

(b) provide a program during the months of July and August of at least 15 but not more than 30 days of instruction;

(c) employ teachers who are certified to teach in the elementary schools of this State, and use paraprofessionals as needed;

(d) provide class periods of at least 45 minutes.

Section 110.2 Requirements for approval of a summer secondary school. To be approved, a summer secondary school must fulfill the following conditions:

(a) comprise the summer session of a registered secondary school and use the building and equipment of such school;

(b) provide a secondary school program during the months of July and August exclusive of days used for registration, final examinations, or Regents examinations;

(c) employ teachers who are certified to teach in the secondary schools of this State and assign such teachers to teach only the courses in which they are certified, and use paraprofessionals as needed;

(d) provide class periods of at least 90 minutes.

Section 110.3 Attendance in elementary summer schools and secondary summer schools.

(a) State Aid for approved day or evening public elementary and secondary summer schools shall be computed on the basis of 30 days of maximum attendance for each pupil.

(b) Each pupil attending a program of instruction for at least 90 minutes daily in an approved day or evening elementary or secondary summer school shall be counted for one-half day of summer school attendance.

(c) Each pupil attending a program of instruction for at least 180 minutes daily in an approved day or evening elementary or secondary summer school shall be counted for one full day of summer school attendance.

Section 110.4 Regents examinations administered in summer secondary schools.

To be eligible for admission to August Regents examinations, a pupil must be enrolled in an approved New York State summer high school and should normally attend a minimum of 27 of the 30 days of actual instruction. The principal of a high school offering August Regents examinations may admit a student who is not enrolled in such school to enter August Regents examinations, provided the principal of the home high school requests in writing that the student be permitted to take an examination for which the student has demonstrated adequate proficiency. A summer school session that provides 30 sessions of 90 minutes instruction each shall be considered the equivalent of one semester of work for each subject. Standings earned in Regents examinations in August may be applied toward a Regents diploma.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION
Pursuant to Sections 207 and 3602 of the Education Law

The Regulations of the Commissioner of Education are amended, effective July 23, 1974, by the addition of a new Part 166, to read as follows:

PART 166

AN APPORTIONMENT FOR EVENING SCHOOL PUPILS

Section 166.1 Scope of Part. The purpose of this Part is to establish standards for the best possible use of funds made available by the Legislature to provide financial assistance to school districts for the operation of evening school classes for individuals who are at least sixteen years of age, and not enrolled in a regular school program, and who have not received a high school diploma or a high school equivalency diploma.

166.2 Definitions. As used in this Part: (a) Evening means that part of the school day which occurs after the regular school day class schedule.

(b) Evening school pupil means individuals who are sixteen years of age and older, not enrolled in a regular public or private day school and who have not received a high school diploma or a high school equivalency diploma.

166.3 Program approval requirements. (a) An approved program for evening school pupils shall include courses of study designed to develop minimum competencies necessary to qualify for a high school diploma or a high school equivalency diploma.

(1) Pupils possessing less than a seventh grade reading level as measured by a standardized reading test shall be provided courses of study designed to raise their basic communications skills to such level.

(2) Pupils possessing a seventh grade reading level or better shall be provided courses of study appropriate to preparing them for a high school diploma or its equivalent.

166.4 Attendance for state aid purposes. Evening school pupils attending approved courses shall be included for the purpose of computing operating aid as follows:

(a) Pupils attending courses for at least 90 minutes of instruction shall be counted for a half-day's attendance; pupils attending courses for at least 165 minutes of instruction shall be counted for a full day's attendance. The weighting of each day's attendance as defined above is .50.

(b) Nothing in this Part shall be construed to prevent the use of funds obtained from other sources in the planning, execution, or evaluation of programs.

166.5 Facilities. School districts or boards of cooperative educational services may make use of existing facilities of a school district or board of cooperative educational services facilities, and of other appropriate community facilities which have been approved by the Commissioner for the purposes of this Part.

PART III

PLAN AND ANNUAL REPORT DOCUMENTATION

The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Albany, New York 12224

WORKSHEET TO BE USED TO COMPLETE Form 241-1P

Instructions:

a. Use this worksheet when completing Form 241-1P.

b. Items on this worksheet are numbered to correspond to related items on Form 241-1P.

c. This worksheet is for guidance only. District personnel are encouraged to use locally developed planning guidelines where appropriate to explicate items on Form 241-1P.

PAGE 1: TITLE PAGE

Item #1. The same format will be used for documenting the plan of activities for pupils with handicapping conditions and pupils with special educational needs. The appropriate target pupil group should be indicated by placing a (✔) as indicated.

Item #3. If the program of services will be confined mainly to one building, then the plan should be considered a building plan; and the name of the building should be indicated. However, if the plan involves providing a service to children in several buildings from central office resources (e.g., itinerant teacher for severely speech impaired children in several buildings) then the service provided would be the appropriate plan title.

PAGE 2: Item #7 - PRIORITY PUPIL NEEDS

1. This section should include a statement of the specific needs which have been identified and which have been assigned a high priority.

2. A variety of information can be used to determine a pupil's priority needs. Standardized tests (achievement, I.Q.) are an important source of information; however, other measures such as the following should not be overlooked: family income, parent's level of education, professional judgment, pupil interests, pupil aptitude, and scores on teacher-made tests.

3. For each need include a statement of how it was identified (e.g., standardized test, psychological diagnosis, scholastic record review, community survey).

4. Those needs having the greatest impact on a student's ability to function in school and out of school will be assigned the highest priority. However, other considerations such as human, financial, and fiscal resources are important in determining those needs which the district will attempt to satisfy.

PAGE 2: Item #8 - RELATED PROGRAM OBJECTIVES

1. The objectives should be directly related to the needs. For example, if one of the needs identified is reading (e.g., evidence indicates that pupils average four grade levels below normal), the objectives should include a specific desired change in the level of reading achievement.

2. Since the needs have been selected on a priority basis, the objectives will naturally fall into priority order.

3. The objectives should be written in performance terms and should include a clear statement of expected change in pupil behavior.

4. For each objective, indicate the approximate date when accomplishment is expected.

PAGE 3: Item #9 - SUMMARY DESCRIPTION OF PROGRAM ACTIVITIES

1. Briefly describe the activities which will be carried out to achieve the objectives. For example, to increase reading achievement the activity might be: "a resource room will be available for use of each target pupil an average of three hours per week. The resource room will be staffed by a trained para-professional who will take direction from a reading specialist. The reading specialist will spend an average of two days per week in the building."

2. Keep the description of activities brief. Attempt to communicate the essence of the program's activities, and assume that readers will be knowledgeable about the content of the plan.

3. Those activities which result in "mainstreaming" eligible pupils in regular classrooms with regular students are preferred over those which tend to segregate.

PAGE 3: Item #10 - EVALUATION STRATEGY

1. Indicate the procedures that will be used to determine the extent to which the objectives have been achieved.

2. This will be the evaluation strategy later reported on Section I of the annual report.

PAGE 4: Item #11 - AMOUNT BUDGETED

1. Estimate the amount of additional aid monies apportioned due to pupils with handicapping conditions or pupils with special education needs that will be used to provide supplemental services.

2. Use the categories provided as appropriate.

Form 241-1P
(6/74)

The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Albany, New York 12224

PLAN OF ACTIVITIES FOR PUPILS WITH

(1) HANDICAPPING CONDITIONS _____
or
SPECIAL EDUCATION NEEDS _____
(Check appropriate program)

(2) School District Name _____

(3) Plan Title _____
Name of Building/Program

(4) Date Completed _____ Date Approved by Board of Education _____

(5) Person completing _____

Instructions:

a. Review regulations and program guidelines before completing plan document.

b. Complete in duplicate, maintain original in building/program file and forward copy to Central Office.

c. Use Worksheet 241-1P as a guide to completing this form.

6. Background Information

6.1 Number of pupils to be served by activities described in this plan. _____

6.2 Inclusive grade levels of pupils served. _____

6.3 Number of buildings involved in plan activities (if appropriate) _____

7. Priority Pupil Needs	8. Related Program Objectives

9. Summary Description of Program Activities	10. Evaluation Strategy

11. Amount Budgeted

Category	Amount
• Personnel	
Administrators	_____
Teachers	_____
Teacher Aides	_____
Consultants	_____
Other	_____
• Equipment	_____
• Supplies	_____
• Other (Specify)	
_____	_____
_____	_____
_____	_____
_____	_____
TOTAL	_____

Worksheet 241 - 2P
(6/74)

The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Albany, New York 12224

WORKSHEET TO BE USED TO COMPLETE FORM 241 - 2P

Instructions:

a. Use this worksheet when completing Form 241-2P.

b. Items on this worksheet are numbered to correspond to related items of Form 241-2P.

Item #6

1. Record the total number of pupils in the district for whom plans of service have been developed. This number should be the same as the number of pupils with special educational needs and pupils with handicapping conditions claimed for state aid purposes on Form SA-124.

Item #7

1. Place a check in each column alongside the descriptors that apply to the plans you have prepared.

2. Check "other" if plans have a basis other than or in addition to the listed descriptors.

3. It is possible to check more than one parameter in each of the columns. For example, if under special educational needs, a district program of services was developed for remedial reading but individual building plans were developed for mathematics.

Item #8

1. Indicate by a YES or a NO whether or not your plans include each of the listed content items.

Item #9

1. For pupils with special educational needs use the following letters to indicate priorities: A - Reading; B - Mathematics; AC - Reading with bilingual methodology; BC - Mathematics with bilingual methodology.

2. For pupils with handicapping conditions use the following letters to indicate specific pupil conditions for which plans have been developed: D - Trainable Mentally Retarded; E - Educable Mentally Retarded; F - Severely Speech Impaired; G - Hearing Impaired; H - Visually Impaired or Partially Sighted; I - Emotionally Disturbed; J - Physically Handicapped.

3. Use of more than one code designation is appropriate.

Item #10

1. Indicate the number of plans developed for each eligible group of pupils. If the parameter is district, then the appropriate number would be one (1).

Item #11

1. If plans have been developed to provide services to pupils in all grades, indicate by placing K-12 in the appropriate column. If a plan was developed only for emotionally disturbed primary students, K-3 should be placed in the appropriate column.

Form 241 - 2P
(6/74)

The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Albany, New York 12224

CHAPTER 241 PLANNING REPORT

(1) School District Name _____

(2) Mailing Address _____

(3) Chief Administrative Officer _____

Telephone Number _____

(4) Person Completing Form _____

Telephone Number _____

(5) Date Completed _____

Instructions:

a. Use worksheet 241-2P as a guide to completing this form.

b. Mail three copies prior to September 1, 1974 to:

State Education Department
Office of Program Planning - 860 EBA
Educational Planning Field Services
Albany, New York 12224

c. Use this form to report on plans developed for pupils with special educational needs and for pupils with handicapping conditions.

d. Officials of New York City, Buffalo, Yonkers, Rochester, and Syracuse will use a separate form to report on plans developed for severely handicapped pupils and on pupils in approved occupational education programs.

e. Use this form to report information about plans developed for pupils with handicapping conditions and for pupils with special educational needs. Record information in the appropriate column. Use NA (not applicable) where appropriate.

	Additional Apportionments For	
	Pupils with Special Educational Needs	Pupils with Handicapping Conditions
(6) Number of pupils for whom specific plans of activities have been developed.		
(7) The plans are organized on the basis of:		
a) Individual building(s)		
b) Two or more buildings (but not entire district)		
c) District		
d) Program of Services (e.g., remedial reading, speech therapy)		
e) Grade span (e.g., K-3, 10-12)		
f) Other		
(8) Content of plans		
a) Pupil needs		
b) Objectives related to needs		
c) Activities		
d) Evaluation methodology		
e) Budget		
(9) Priority content areas for which plans were developed (use code on worksheet)		
(10) Number of separate plans developed		
(11) Inclusive grade span of pupils to be served by planned activities		

ANNUAL REPORTS

Districts will submit to the Education Department one annual report for each plan that it develops. These reports will be on forms prescribed by the Department, and they will be in a format suitable for key punching so that much of the necessary data aggregation can be done by the Department. Each annual report will be submitted in two sections: Section I due October 15, 1974 and Section II due October 1, 1975. Section I will be distributed prior to September 1, 1974 and Section II will be distributed prior to January 1, 1975.

The form for Section I of the annual report for pupils with handicaps will require a little more information than the form for Section I of the annual report for pupils with special educational needs,* because the Department has an administrative task in the handicap area that does not operate in the special educational needs area. The Division for Handicapped Children requires certain data in order to fulfill its mandate under Chapter 241 to give specific approval to each service provided either for "pupils with handicapping conditions" or "severely handicapped pupils."

The following types of information common to both areas will be collected on the forms for the annual report, Section I:

1. Name of person completing form and position.
2. School district and school building code.
3. Component being reported (e.g., reading).
4. Amount of weighted aid monies being expended.
5. Number of participants and instructional activity.
6. A statement certifying that required pretests or other appropriate baseline data are available, with a brief space for an explanation of a "no" answer.
7. Space for local school district people to request technical assistance, either program or planning type assistance.

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*Specifications and directions for fulfilling Chapter 241 planning and annual reporting requirements for programs for pupils in Occupational Education in the "Big 5" will be incorporated with material regularly communicated to the "Big 5" for presently required occupational education planning and reporting purposes.

8. Method of evaluation (e.g., observation, experimental group vs. control group).

9. Number of contact hours.

10. An answer to a question indicating whether or not any significant difficulties have been encountered to date.

The forms for the annual report, Section II, will be identical for both the handicap and special educational needs areas and will encompass the following information:

1. The extent to which planned activities were actually implemented.

2. The impact in the cognitive domain, and possibly some impact information in the affective and psychomotor domains.

3. Actual number of participants.

4. Assessment of the degree to which planned objectives were achieved.